

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**ADAM STELTZ,**

Petitioner,

Case No. 2:19-cv-01246-SU

v.

OPINION AND ORDER

**BRAD CAIN,**

Respondent.

**MOSMAN, J.,**

On April 13, 2020, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (“F&R”) [ECF 20], recommending that I dismiss with prejudice Petitioner Adam Steltz’s Petition for Writ of Habeas Corpus [ECF 2]. Petitioner filed objections [ECF 22] to which Respondent responded [ECF 27].

**LEGAL STANDARD**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*

*Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review of the F&R, I agree with Judge Sullivan's analysis and conclusions. Therefore, I ADOPT her F&R [20] in full. I DISMISS with prejudice Petitioner's Petition for Writ of Habeas Corpus [2]. Because Petitioner has not made a substantial showing of a denial of a constitutional right, I decline to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 29 day of April, 2020.

Michael W. Mosman  
MICHAEL W. MOSMAN  
United States District Judge